

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A kit for locating a distal femoral resection plane in uni-compartmental knee surgery, the kit comprising:

a first shim including a shim arm and a mounting member connected to the shim arm;

a second shim including a shim arm and a mounting member connected to the shim arm; and

a combination cutting and spacer guide including a cutting block portion and a guide arm portion,

the cutting block portion having an anterior side and a posterior side and surfaces defining a cutting guide slot extending from the anterior side to the posterior side, the cutting guide slot lying in a plane defining the distal femoral resection plane,

the guide arm portion having a posterior end spaced from the cutting block portion, a planar femoral surface extending outward from the posterior side of the cutting block portion to the posterior end, and a planar tibial surface extending from the cutting block portion outward to the posterior end, the planar femoral surface lying in a plane spaced from the plane of the planar tibial surface, the planes of the tibial surface and femoral surface being substantially parallel to and spaced from the distal femoral resection plane of the cutting guide slot;

the combination cutting and spacer guide having a shim mounting opening;

wherein ~~each~~ the shim arm has a planar guide arm contact surface for contacting part of the guide arm portion and a planar bone contact surface for contacting part of one of the bones of the knee, the mounting member being sized and shaped to be receivable within the

mounting opening of the combination cutting and spacer guide to removably mount the shim to the guide arm portion;

wherein the planar ~~bone contact~~contacting surface of ~~each~~the shim arm is parallel to the cutting guide slot when the shim is mounted to the guide arm portion;

wherein the planar ~~guide arm contact~~contacting surface of at least one of the shim ~~arms~~arm has a surface area substantially the same as the surface area of the femoral guide surface of the guide arm portion of the combination cutting and spaced guide; ~~and~~

wherein the planar ~~guide arm contact~~contacting surface of at least one of the shim ~~arms~~arm covers at least a portion of one of the planar femoral surface and the planar tibial surface of the guide arm portion when the shim is mounted to the guide arm portion;

wherein the first and second shims are discrete components separately mountable to the guide arm portion;

wherein each shim arm has a thickness between the guide arm contact surface and the bone contact surface; and

wherein the thickness of the first shim arm is less than the thickness of the second shim arm.

2. (cancelled)

3. (previously presented) A kit for locating a distal femoral resection plane in uni-compartmental knee surgery, the kit comprising:

a femoral shim including a shim arm and a mounting member connected to the shim arm; and

a combination cutting and spacer guide including a cutting block portion and a guide arm portion,

the cutting block portion having an anterior side and a posterior side and surfaces defining a cutting guide slot extending from the anterior side to the posterior side, the cutting guide slot lying in a plane defining the distal femoral resection plane,

the guide arm portion having a posterior end spaced from the cutting block portion, a planar femoral surface extending outward from the posterior side of the cutting block portion to the posterior end, and a planar tibial surface extending from the cutting block portion outward to the posterior end, the tibial surface and femoral surface being substantially parallel to and spaced from the distal femoral resection plane;

the combination cutting and spacer guide having a shim mounting opening;

wherein the femoral shim arm has a planar contact surface for contacting part of the guide arm and a planar contact surface for contacting part of femur and has a surface area substantially the same as the surface area of the femoral surface of the guide arm of the combination cutting and spacer guide;

wherein the mounting member of the femoral shim is sized and shaped to be receivable within the mounting opening of the combination cutting and spacer guide to removably mount the femoral shim to the guide arm;

the kit further comprising at least one tibial shim having a tibial shim arm and a tibial shim mounting member connected to the tibial shim arm wherein the tibial shim arm has a planar contact surface for contacting part of the guide arm and a planar contact surface for contacting part of the tibia, the tibial shim mounting member being sized and shaped to be

receivable within the shim mounting opening of the combination cutting and spacer guide to removably mount the tibial shim to the guide arm, the tibial shim and the femoral shim being discrete elements separately mountable to the combination cutting and spacer guide.

4. (original) The kit of claim 3 wherein the planar contact surface of the tibial shim arm has a larger surface area than the surface area of the femoral shim.

5. (original) The kit of claim 1 wherein the cutting block portion is removably mountable to the femur.

6. (original) The kit of claim 5 wherein the cutting block portion includes a plurality of holes extending from the anterior side to the posterior side for mounting the combination cutting and spacer guide to the femur, the kit further comprising anchoring members receivable within the holes in the cutting block portion and a cutting member receivable within the cutting guide slot.

7. (currently amended) The kit of claim 1 wherein the guide arm portion comprises a pair of spaced parallel plates integral with the cutting block portion.

8. (original) The kit of claim 1 wherein the cutting block portion and the guide arm portion are integral.

9. (currently amended) The kit of claim 8 wherein the cutting block portion has a bottom surface co-planar with the tibial surface of the guide arm portion.
10. (currently amended) The kit of claim 1 wherein the guide arm portion and shim are sized to be received on a single side of the tibia.
11. (currently amended) The kit of claim 1 wherein the tibial surface of the guide arm portion has a maximum medial-lateral dimension of 32 mm and a maximum anterior-posterior dimension of 57 mm.
12. (currently amended) The kit of claim 1 wherein the combination cutting and spacer guide has a maximum anterior-posterior dimension along the tibial surface of the distal side of the cutting block portion and the tibial surface of the guide arm portion of 67 mm.
13. (currently amended) The kit of claim 1 wherein the femoral surface of the guide arm portion has a maximum medial-lateral dimension of 17 mm and a maximum anterior-posterior dimension of 47 mm.
14. (currently amended) The kit of claim 1 wherein the shim mounting opening of the combination cutting and spacer guide comprises an elongate slot extending from the medial to the lateral side of the guide arm portion.
- 15-26. (cancelled)

Serial No. 10/609,171

Please add new claims 27-28.

27. (new) The kit of claim 14 wherein the mounting member of each shim comprises a planar member parallel to and overlying a portion of one of the surfaces of the shim arm.

28. (new) The kit of claim 27 wherein the mounting member of each shim is sized and shaped so that the mounting members of two shims can be received simultaneously in the elongate slot.